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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/986,725	-	11/09/2001	Bo Skaaning Jensen	2815-0183P	5880		
2292	7590	08/09/2002					
BIRCH STI	EWAR	T KOLASCH & 1	EXAMINER				
PO BOX 747		00040 0747	FORD, Jo	FORD, JOHN M			
FALLS CHU	FALLS CHURCH, VA 22040-0747						
				ART UNIT	PAPER NUMBER		
				1624	. (-		
				DATE MAILED: 08/09/2002			

Please find below and/or attached an Office communication concerning this application or proceeding.

### Compart Unit  ### Compare On the cover sheet beneath the correspondence address—Part of r Response  A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE  ### MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filled after SIX (5) MO from the mailing date of this communication.  - If the period for response is specified above, such period shall, by default, expre SIX (6) MONTHS from the mailing date of this communication.  - If the period for response is specified above, such period shall, by default, expre SIX (6) MONTHS from the mailing date of this communication.  - If the period for response is specified above, such period shall, by default, expre SIX (6) MONTHS from the mailing date of this communication.  - If the period for response is specified above, such period shall, by default, expre SIX (6) MONTHS from the mailing date of this communication.  - Fallure to respond within the set or extended period for responses will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Status  - Responsive to communication(s) filled on	Office Action Commence	Application No.		Applicant(s)		
A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE	Office Action Summary		Ford	Group Art Unit	Art Unit	
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MALING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MO from the mailing date of this communication.  If the period for response specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.  Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Status    Responsive to communication(s) filed on			<b>4</b> 1.1-			
from the mailing date of this communication.  If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered in the Operiod for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.  Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Status  Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR RESPONSE IS MAILING DATE OF THIS COMMUNICATION.	SET TO EXPIRE	MONT.	H(S) FROM THE		
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This action is FINAL.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11; 453 O.G. 213.  Disp sition of Claims  Claim(s)	Status					
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Sclaim(s)   Sis/are pending in the application.   Sis/are withdrawn from consideration   Sis/are withdrawn from consideration   Sis/are allowed.   Sis/are allowed.   Sis/are allowed.   Sis/are allowed.   Sis/are ejected.   Sis/are objected to.   Sis/are objected   Sis/ar				the merits is closed i	n	
Of the above claim(s) is/are withdrawn from consideration is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Application Papers  See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  The proposed drawing correction, filed on is/are objected to by the Examiner.  The drawing(s) filed on is/are objected to by the Examiner.  The specification is objected to by the Examiner.  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 (a)-(d)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).  All Some None of the CERTIFIED copies of the priority documents have been received.  Preceived in Application No. (Series Code/Serial Number)  received in Application No. (Series Code/Serial Number)  received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).  *Certified copies not received:  Information Disclosure Statement(s), PTO-1449, Paper No(s).						
Claim(s)	XClaim(s) / - J S		is/are p	is/are pending in the application.		
Claim(s)	Of the above claim(s)		is/are \			
Claim(s)	□ Claim(s)		is/are a	allowed.		
Claim(s)	□ Claim(s)		is/are i	reiected.		
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The proposed drawing correction, filed on is □ approved □ disapproved. □ The drawing(s) filed on is/are objected to by the Examiner. □ The specification is objected to by the Examiner. □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 (a)-(d) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d). □ All □ Some* □ None of the CERTIFIED copies of the priority documents have been □ received. □ received in Application No. (Series Code/Serial Number) □ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).  *Certified copies not received:		D				
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☐ Notice of Informal Patent Application, PTO-	iniornation Disclosure Statement(s), PTO-1449, Paper	NO(\$)				
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other	C Notice of References Cited DTO 200	per.	Mindian -4 1-4-			

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The claims in the application are claims 1--25.

"Use" claims are not proper in this country.

The claims need be expressed as a method of treating, in order to permit assignment of the application to a particular Examiner.

The claims violate 35 U.S.C. 101 and 35 U.S.C. 112, since they are drafted in terms of use. See Clinical Products vs. Brenner, 255 F. Supp. 151; 149 USPQ 475 (D.C. District Columbia 1966).

Having selective IKca modulatory activity is not one use per PCT Rule 13.2 and 37 CFR 1.475.

The agreement to Examine, one use of the compounds does not extend to additional active ingredients.

Therefore, restriction is required between Group I claims 1--19 and Group II claims 20 and 21 which recite an additional active ingredient and Group III claims 22--25 which do not recite a particular active ingredient.

Assuming Group I is elected, i.e. claims 1--19. Applicants need elect a particular utility from the list in claim 19, for instance, and express the claim, as a method of treating, including one active ingredient.

37 CFR 1.499 requires an election and response.

John M. Ford:jmr

August 7, 2002

JOHN M. FORD PRIMARY EXAMINER

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